

# In the Court of Appeals of the State of Alaska

**Anthony Jenkins-Alexie,**  
Appellant,

v.

**State of Alaska,**  
Appellee.

Court of Appeals No. **A-13622**

## **Order**

Motion to Extend Time to File Brief

Date of Order: **August 9, 2021**

Trial Court Case No. **4FA-16-02289CR**

Before: Allard, Chief Judge, and Wollenberg and Terrell, Judges

On August 2, 2021, the appellant, through his attorney, the Public Defender Agency, filed a Motion for Non-Routine Extension of Time to File Appellant's Opening Brief. The appellant has already received a full 390-day extension under Standing Order No. 12, and he now requests an additional 120-day extension.

Standing Order No. 12 was intended to be a stop-gap measure through which the Court would reduce the amount of briefing delay that was occurring in criminal appeals. The agencies were provided with significant lead time so that they could take measures to be in compliance with the standing order. Extensions to Standing Order No. 12 were intended to be reserved for truly "extraordinary and unforeseeable circumstances." Under the order, the press of ordinary business was not intended to qualify as an "extraordinary and unforeseeable circumstance."

The current request for a 120-day extension does not comply with the mandates of Standing Order No. 12. We are particularly concerned that the case has not been assigned to an individual attorney and the extension request is therefore, at best, only a guess as to when the opening brief will be filed.

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We recognize, however, that we have previously granted non-routine extension requests based on information similar to that provided by the present motion. In order to allow the Public Defender Agency time to further develop a plan to complete its briefs within the time allowed by Standing Order No. 12, we accordingly will extend the briefing deadline for this case by 90 days. But we wish to be clear: the resource shortages at the Public Defender Agency are not “extraordinary and unforeseeable circumstances” justifying an extension of time beyond the limit of Standing Order No. 12.

Accordingly, **IT IS ORDERED:**

The motion is **DENIED IN PART**. The opening brief must be filed by November 1, 2021. No further extensions based solely on the ordinary press of business will be granted in this case.

Entered at the direction of the Court.

Clerk of the Appellate Courts



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Carly Williams, Deputy Clerk

cc: Court of Appeals Judges  
Distribution:

Email:  
McFarland, Renee, Public Defender  
Blum, Hazel Claire